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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,258	02/12/2002	Dror Koren	50325-0608	8583

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EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/076,258	Applicant(s) KOREN ET AL.	
	Examiner Duc T. Duong <i>dt</i>	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 7, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 7, 13, and 14 recite the limitation "the quality of service tools" in lines 9, 9, 8, and 16, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banginwar (US Patent 6,611,863 B1).

Regarding to claims 1, 7, 13, and 14, Banginwar discloses a method for automatically deploying a quality of service (QoS) policy to a plurality of devices 120 in a network 100 based on a QoS policy template comprising the steps of creating and storing one or more quality of service policy templates in a database 110 that may be

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used to implement quality of service settings in a network device 120 (fig. 1 col. 2 lines 15-33); receiving device information that defines authentication (GUIDs) and connectivity information (IP address) of a network device 120 (fig. 2 col. 5 lines 48-54); receiving interface information (MAC address) defining the interface associated with the device (fig. 2 col. 5 lines 48-54); and based on the device information and interface information, determining one or more policy templates that associate a quality of service tools with the device traffic flows for deployment to a plurality of network devices simultaneously (fig. 2 col. 6 lines 52-67 and col. 7 lines 1-28; when the device information and interface information of specific devices matched the proxy's filter, the policy server 112 send policy templates to the specific devices).

Banginwar discloses all the limitation with respect to claims 1 and 7, except the network is a packet telephony network.

However, to arrange the network of Banginwar into packet telephony network would have obvious to a person of ordinary skill in the art since such packet telephony network is well known in the art and can be easily implemented.

Regarding to claims 2 and 8, Banginwar discloses receiving interface information comprises executing an SNMP, telnet, or virtual device query of said device (col. 4 lines 22-27).

Regarding to claims 3 and 9, Banginwar determining policies comprises creating and storing a policy filter (col. 1 lines 62-65).

Regarding to claims 4 and 10, Banginwar discloses determining policies comprises defining said policy's action (col. 2 lines 22-33).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 5 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishna et al (US Patent 6,718,379 B1).

Regarding to claims 5 and 11, Krishna discloses a method for defining quality of service (QoS) policy templates for packet telephony networks comprising storing said policy templates in a centralized, network-wide policy database 10 or another storage device (fig. 1 col. 5 lines 1-19).

7. Claims 6 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Zavalkovsky et al (US Patent 6,959,332 B1).

Regarding to claims 6 and 12, Zavalkovsky et al discloses a method of deploying a quality of service (QoS) template in a packet telephony network comprising the

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computer implemented steps of generating a first list of command line interface (CLI) commands that correspond to properties for each device (fig. 3B-C col. 7 lines 34-67), sending said block of CLI commands to each device to be implemented (fig. 3E col. 8 lines 42-67).

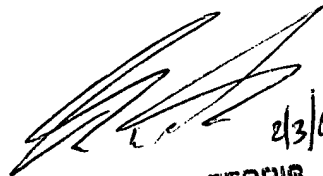
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/3/66
DERRICK FERRIS
PATENT EXAMINER